

In The Court of Sessions Judge, Vaishali

Vaishali, Bihar 844101.

Distt. - Vaishali, BIHAR.

Criminal Revision No. 85 of 2026

Arising out of Complaint Case No. 2654 of 2025, Trial No 367 of 2026.

1. Sanjida Khatun, aged about 68 years W/o Naseem Ahmed, (Mother-in-law)
2. Nadim Ahmed, aged about 42 years S/o Naseem Ahmed. (Brother-in-law)
Both Residents of House No. 33 Akash Nagar Rasulpur M.J.
Road, Sikrauda Ghaziabad, Near Savita Nurshing Home, Uttar Pradesh -201002.
.....The Revisionists

vs

1. The State of Bihar
2. Anam Fatma D/o Jiyayul Hasan, resident of village – Dargah Bela, PS – Baligaon,
District – Vaishali

.....The Opposite Parties

The criminal revision has been preferred by the revisionists/accused persons against the order dated 02.03.2026 passed by Sri Safder Salah, Learned Judicial Magistrate, 1st. Class, Vaishali at Hajipur, in Complaint Case No. 2654 of 2025 (Anam Fatma Vs. Wasim Ahmad & others), whereby and whereunder the learned Judicial Magistrate after finding the prima facie case for the offence u/s 85 of B.N.S., summoned the accused Wasim Ahmad and revisionists Sanjida Khatoon and Nadim Ahmad for trial.

Counsel for the Revisionists: Learned Advocate Sri Manish Kumar
Counsel for the Opposite Party No.1: Learned P.P. Sri Shyam Babu Rai
Counsel for the Opposite Party No.2 Learned Advocate Sri Arun Kumar Rath.

Dated- 21st July 2026**Present- Harshit Singh.****ORDER**

1. This criminal revision has been preferred by the revisionists/accused persons against the order dated 02.03.2026 passed by Sri Safder Salah, Learned Judicial Magistrate, 1st Class, Hajipur (Vaishali), in Complaint Case No. 2654 of 2025 (*Anam Fatma vs. Wasim Ahmad & others*). By the said order, the learned Judicial Magistrate, after finding a prima facie case for the offence under Section 85 of the Bharatiya Nyaya Sanhita (B.N.S.), summoned the accused Wasim Ahmad and the revisionists, Sanjida Khatoon (mother-in-law) and Nadim Ahmad (father-in-law), for trial.

2. **Prosecution Story:** The prosecution story as per the complaint petition is that the complainant (O.P. no.2) Anam Fatma was married with accused Wasim Ahmad on 12.03.2022 according to Muslim rites and rituals, in which ornaments and other gifts as mentioned in the complaint petition were given to groom party. After marriage, the complainant went to her matrimonial home at Sanjay Nagar, Gaziabad, where all the in-laws people kept her well for some times. During this course she was blessed with a son.

Thereafter, all the accused persons namely Wasim Ahmad, Sanjida Khatoon, Nadim Ahmad and Fahim Ahmad told to bring Rs. 3 lakhs from her parents for construction of the house in M.J. Road, Akash Nagar, Rasulpur Sikrauda, Gaziabad. When the complainant showed inability to fulfill the demand of Rs. 3 lakhs, her husband Wasim Ahmad and mother-in-law Sanjida Khatoon, Nadim Ahmad and Fahim Ahmad started torturing her in various ways. It is further alleged that on 01.06.2025 her husband and mother-in-law Sanjida Khatoon tried to burn her by pouring hot mustard oil over her body, due to which her hand and face burnt. On information given by her, her father and brother after arranging the money, gave Rs.75,000/- to her husband. Despite that her husband and his family members again started demanding rest amount. On 12.06.2025 in the night at about 10.30 P.M. her husband tried to kill her by pressing her neck due to non-fulfillment of remaining amount. Lastly on 03.10.2025 in the night at about 10.20 P.M. the people of her matrimonial home assaulted her and ousted her from her matrimonial home. So, the complainant preferred the complaint in the Court on 17.10.2025. On basis of complaint petition, the present complaint case was registered.

3. Statement of Complainant on Solemn Affirmation (SA)

During the inquiry, the complainant, Anam Fatma, was examined on oath on 12.11.2025. In her solemn affirmation, she deposed the following material facts:

She was married to Wasim Ahmad on 12.03.2022, and gifts worth approximately Rs. 17 lakhs were given during the marriage.

Her in-laws began demanding Rs. 3 lakhs as dowry to build a house, and upon her refusal, she was subjected to physical assault and torture by her husband (Wasim), mother-in-law (Sanjida Khatoon), and Nadim Ahmad.

Specifically, on 01.06.2025, her husband and mother-in-law poured hot mustard oil over her, causing burn injuries to her face and hand. She candidly stated that during this specific incident, her father-in-law (Naseem Ahmad) intervened and saved her life ("*meray sasur bachane aye to mera jaan bacha*").

On 12.06.2025, the accused persons jointly attempted to kill her by strangulation, and finally, on 03.10.2025, she was assaulted, stripped of her jewelry, and thrown out of her matrimonial home.

4. Statement of Inquiry Witnesses

The complainant produced two inquiry witnesses who supported her case:

EW-01 (Zeyaul Hasan, Father of Complainant): In his deposition dated 17.11.2025, he corroborated the complainant's statements regarding the marriage and the demand for Rs. 3 lakhs. He explicitly stated that due to non-fulfillment of the dowry demand, his daughter was beaten by Wasim Ahmad, Sanjida Khatoon, Nadim Ahmad, and Fahim Ahmad. He further deposed that he had arranged and paid Rs. 25,000 and then Rs. 50,000 to the in-laws, but they remained unsatisfied. He confirmed the incidents of hot oil being poured on 01.06.2025 and the attempted strangulation on 12.06.2025.

EW-02 (Firdosh Bano, Mother of Complainant): In her deposition dated 19.11.2025, she identically corroborated the events, testifying to the dowry demand of Rs. 3 lakhs and the subsequent payments of Rs. 25,000 and Rs. 50,000. She also testified to specific overt acts committed by the revisionists, including the assault, the pouring of hot oil, and the attempt to

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kill the complainant on 12.06.2025 by strangling and attempting to push her down the stairs.

5. Cognizance Order

After recording the statement of the complainant on Solemn Affirmation (SA), examining the statements of the inquiry witnesses recorded during the inquiry, and considering the documents submitted, the learned Judicial Magistrate passed the impugned cognizance/summoning order dated 02.03.2026. The exact contents of the order are reproduced below:

DATE: 02.03.26

Today this record has been placed before me for order. I perused the record, on perusal it appears that complainant Anam Fatma, Resident of village- House No. 33 M.J Road Akash Nagar Rasalpur, Gazhiabad and Presently R/o- Dargah bela, P.S- Baligaon, Dist- Vaishali has filed this complaint case on 16.10.2025 against four accused persons in the court of learned C.J.M, Vaishali who after taking cognizance transferred the case to this court for inquiry and trial and the same has been received by this court on 11.11.2025.

The brief fact of the complainant is that complainant was married with accused person namely Wasim Ahmad on dated 12.03.2022. That accused namely Wasim Ahmad and his family subjected her to Cruelty for demand of dowry of Rs. three lakh and when she refused to give that demand then accused persons started assaulting her.

During inquiry, the complainant examined herself upon oath on 12.11.2025 and has also produced two witnesses in support of her case.

On 19.11.2025, the accused were served a notice under Section 223 of the BNSS. They appeared before the court and denied the allegation made against them. On perusal of the complaint petition, statement of the complainant upon oath as well as statement of inquiry witnesses, it appears inquiry witnesses supported the statement of Complainant. So as per assertions of the complainant and inquiry witnesses i find that there is sufficient ground for proceeding U/S:- **85 of BNS** against accused persons namely-**1) Wasim Ahmad 2) Sanjida Khatoon 3) Nadim Ahmad**. There is no any cogent and convincing material against other accused person.

O/C is directed to issue Summons against the above-named accused persons only after filing of requisites and process fees by the complainant, hence complainant is directed to file requisites including the list of prosecution witnesses and process fees necessary for issuance of summons within one month from the date of this order

Put up record on **17/03/2026** for filing requisite and process fee.

6. Grounds of Revision In this revision petition, the revisionists have taken the following grounds to challenge the aforementioned order dated 02.03.2026:

- a. That the impugned order of the trial court is illegal, bad in law, and imperfect with respect to the revisionists.
- b. That the learned trial court has not followed the guidelines laid down in the judgment

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passed by the Hon'ble Apex Court in *Kahkashan Kausar @ Sonam vs. State of Bihar* (2022), wherein the Hon'ble Apex Court has held that where allegations are merely general and omnibus, the prosecution of relatives becomes unjust.

c. That regarding Revisionist No. 1, Sanjida Khatoon, it is alleged that she, along with her son Wasim Ahmad, threw hot oil on the body of the complainant. However, this statement does not show the specific role or manner of the act committed by this accused person. Therefore, it cannot be said that there is a specific allegation against this revisionist.

d. That regarding Revisionist No. 2, Nadim Ahmad, nothing has come forth in the complaint to show his specific role; his name has merely been inserted into the complaint petition.

e. That the learned trial court did not consider the legal aspects concerning these revisionists in the matter.

f. That the impugned order is required to be modified regarding the involvement of the revisionists in this matter.

7. Submissions

The learned P.P. for the State (O.P. No. 1) as well as the learned counsel for O.P. No. 2 submitted that there is no illegality in the impugned order. The allegations against the revisionists are specific and are not vague or omnibus. The judgment in *Kahkashan Kausar @ Sonam vs. State of Bihar* is not applicable to the facts of the present case. The learned trial court has passed the impugned order after proper judicial application of mind and after recording its satisfaction regarding the existence of a prima facie case for the offence under Section 85 of the B.N.S.

8. Findings and Conclusion

Heard the learned counsel for both sides and perused the materials available on record, including the complaint, the Solemn Affirmation (SA) of the complainant, the statements of the inquiry witnesses, and the impugned order.

Upon careful examination of the record, it is evident that the allegations against Revisionist No. 1 (Sanjida Khatoon) and Revisionist No. 2 (Nadim Ahmad) are neither general nor omnibus. The complainant, in her SA, has explicitly detailed their active participation in demanding dowry, physical torture, and specifically the grievous act of pouring hot mustard oil and attempting strangulation. These specific overt acts are fully corroborated by the consistent testimonies of EW-01 and EW-02.

It is pertinent to discuss a specific submission regarding Revisionist No. 2, Nadim Ahmad (brother-in-law). The revisionists have argued that no specific role is assigned to him. However, in her Solemn Affirmation, the complainant candidly stated that on 01.06.2025, when her husband and mother-in-law poured hot mustard oil on her, her father-in-law intervened and saved her life ("*meray sasur bachane aye to mera jaan bacha*"). Far from absolving him, this candid admission heavily bolsters the truthfulness and absolute credibility of the complainant's narrative. It demonstrates that she is providing a true, unvarnished account of the incidents rather than falsely weaving omnibus allegations against all family members out of malice. If her intention was merely to falsely implicate the entire family, she would not have voluntarily admitted to his life-saving intervention during that specific incident.

Furthermore, the fact that father-in-law intervened to prevent a fatal accident on that particular day shows the ongoing harassment/cruelty with the complainant. More importantly,

the complainant has categorically stated, which is also fully corroborated by the consistent testimonies of EW-01 and EW-02, that Nadim Ahmad was actively among the persons persistently demanding Rs. 3 lakhs as dowry and participating in beating and torturing her for its non-fulfilment. Thus, a specific and distinct allegation of dowry demand and cruelty exists against him.

At the stage of taking cognizance and issuing summons, the Magistrate is only required to see whether a *prima facie* case is made out based on the averments in the complaint and the evidence led during the inquiry. A meticulous examination or weighing of evidence is not permissible at this stage. The learned Judicial Magistrate has rightly applied his judicial mind to the materials on record and found sufficient grounds to proceed against the revisionists.

Therefore, the guidelines laid down in *Kahkashan Kausar @ Sonam vs. State of Bihar (2022)* do not provide aid to the revisionists, as specific roles and acts of cruelty have been attributed to them. I find no illegality, irregularity, or jurisdictional error in the impugned order dated 02.03.2026 passed by the learned trial court.

Accordingly, the present Criminal Revision Petition is devoid of merit and is hereby **DISMISSED**. The impugned order dated 02.03.2026 is upheld.

Let a copy of this order be sent to the court below along with the LCR.

Pronounced in the Open Court

The Order is typed and corrected by:

Harshit Singh

Harshit Singh
Sessions Judge, Vaishali
Dated: 21.07.2026

Harshit Singh

Harshit Singh
Sessions Judge, Vaishali
Dated: 21.07.2026

